

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MAURICE FRANCIS FOLEY,

Plaintiff,

v.

COMMONWEALTH OF
PENNSYLVANIA, et al.,

Defendants.

Civil Action No. 06-92 Erie

MEMORANDUM JUDGMENT ORDER

_____ Plaintiff's civil rights complaint was received by the Clerk of Court on April 25, 2006 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The chief magistrate judge's report and recommendation, filed on September 28, 2007 [24], recommends that the Defendants' motion for summary judgment [19] be granted. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail at his address of record and on the Defendants. No objections were filed. After de novo review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 25th Day of October, 2007;

IT IS HEREBY ORDERED that the Defendants' motion for summary judgment [19] is GRANTED. JUDGMENT is hereby entered in favor of DEFENDANTS and against Plaintiff.

The report and recommendation of Chief Magistrate Judge Baxter, dated September 28, 2007 [24], is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin
United States District Judge

cc: all parties of record
Chief U.S. Magistrate Judge Baxter